

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2017

CORAM

The HON'BLE MS.INDIRA BANERJEE, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.25997 of 2017
and WMP.No.27582 of 2017

P.Elumalai

.. Petitioner

vs.

- 1.The State of Tamil Nadu,
rep. by its Secretary to Government,
Revenue (LD 4(1)) Department,
Fort St. George,
Chennai - 600 009.
- 2.The District Adi-Dravidar Tribal Welfare Officer,
Thiruvallore,
Thiruvallore District.
- 3.The Revenue Divisional Officer,
Ponnery Taluk,
Thiruvallore District.
- 4.The Tahsildar,
Gummudipoondi Taluk,
Thiruvallore District.
- 5.The Tamil Nadu Adi-Dravidar Housing
Development Corporation,
State Highways,
No.112, ACT Colony,
Anna Nagar West Extension,
Chennai - 600 101.

.. Respondents

PRAYER : Writ Petition filed under Article 226 of the
Constitution of India for issuance of a writ of mandamus
directing the respondents to consider the representation of

the petitioner dated 29.7.2017 and cancel the allotment made under G.O.Ms.No.126 dated 22.2.2006 (Revenue (LD-4(1)) Department in respect of allotment of lands of an extent of 0.08.0 ares in Survey No.308/3 Gummundipoondi Taluk, Thiruvallore District.

For Petitioner : Mr.AL.Ganthimathi

For Respondents : Mr.T.N.Rajagopalan
Government Pleader (i/c)

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

This writ petition has been filed seeking a writ of or in the nature of mandamus directing the respondents to consider the representation of the petitioner dated 29th July 2017 and to cancel the allotment of land to the extent of 0.08.0 ares in Survey No.308/3, Gummudipoondi Taluk, Thiruvallore District.

2. The land has admittedly been allotted by G.O.Ms.No.126, dated 22nd February 2006. This writ petition filed in 2017 is hopelessly belated and barred by delay.

3. Even otherwise, the land in question has been allotted for construction of a hostel for Adi-Dravidar students. Construction of a hostel for Adi-Dravidar students is undoubtedly a public purpose and we see no public interest in stopping the proposed hostel for Adi-Dravidar students.

4. Projects of public importance cannot be stopped only on the ground of objection from a section of the residents, in the absence of patent contravention of law. If public projects were to be interfered with on the request of a section of the residents to choose an alternate site, no project could possibly be set up, for some section of the residents or the other or some persons affected by the project would raise objections.

5. The question which irks us is can the Court take note of the objection of a section of citizens and then ignore the objection of the next set of affected citizens, objecting on the same ground? The answer would necessarily have to be in the negative, to avoid discrimination.

6. The choice of land is best left to the authorities, who undertake the projects. It is not for this Court exercising its jurisdiction under Article 226 of the Constitution of India to suggest which land is more suitable for any particular project.

7. The final submission of the learned counsel appearing on behalf of the petitioner is that the land in question is near the hospital and the construction would interfere with access to the hospital.

8. The hostel is going to be constructed on a vacant land and not on any public road. The construction will not block the access of ambulance and other vehicles to the hospital. This is also the submission made by the learned Government Pleader (in-charge).

9. Recording the submission of the learned Government Pleader (in-charge) that the construction of the hostel for Adi-Dravidar students will not block the road leading to the hospital and not interfere with the passage of ambulance and other vehicles to the hospital, we dispose of the writ petition. No costs. Consequently, W.M.P.No.27582 of 2017 is closed.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

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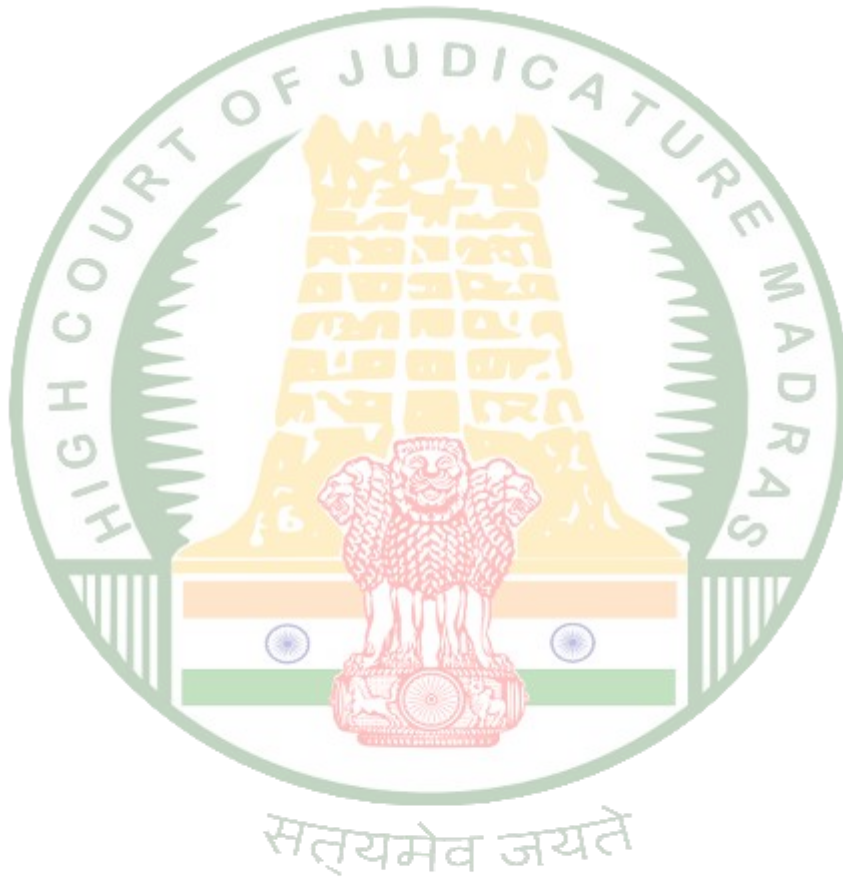
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+1cc to MS.AL.Ganthimathi, Advocate, SR.72321
+1cc to The Government Pleader, SR.92342

W.P.No.25997 of 2017

CB(30/10/2017)

06.10.2017



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